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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,872	01/14/2002	Fujino Kozo	1981016	5476

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EXAMINER

REID, CHERYL M

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/046,872

Applicant(s)

KOZO, FUJINO

Examiner

Cheryl M. Reid

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-6 have been examined.

#### ***Specification***

2. The disclosure is objected to because of the following informalities: The disclosure is replete with grammatical and idiomatic errors. For example, Page 1, of the specification recites " ... can not assure that a computer system does not be intruded by intruder." The specification is filled with numerous other examples. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 recites the limitation "wherein by above arrangement". The term "above arrangement" or "arrangement" is not recited in the previous limitations. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 1 recites the limitation "... same receiving terminal." The term "receiving terminal" is not recited in the previous limitations. There is insufficient antecedent basis for this limitation in the claim. Examiner is assuming that applicant intended to write "sending terminal" and this interpretation is used to interpret the claim.

5. Claim 1 recites the limitation "...in a predetermined time for executing necessary determination." This language is unclear. Appropriate correction is required.

### ***Claim Objections***

6. Claim 1 objected to because of the following informalities: Applicant recites "communicational Internet" this term is vague. Examiner recommends that applicant replaces "communicational Internet" with "communicational links/interface" Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1 –6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beadle et al (US 6766373) hereinafter Beadle, and further in view of Wakatuski (US 6792450) hereinafter Wakatuski.

9. In regards to claim 1, Beadle teaches of a receiving server for receiving or sending information to a terminal (Fig 3, item 303A-D), a plurality of different communicational Internet for being connected to a receiving server and to a sending terminal (Fig 3) and a sending terminal connected to the receiving server for sending

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information to the receiving server through a plurality of different communicational Internet (Fig 3); the sending terminal being capable of switching different networks automatically (Fig 8, item 807, Col 10, lines 60-65, Col 12, lines 14-19); the receiving server determines whether a transaction is performed based on information of the same receiving terminal of the plurality of different communicational network (Col 8, lines 50-65). Beadle does not explicitly teach of performing a function in a predetermined time. In an analogous art, Wakatsuki teaches on this aspect (Col 8, lines 15-17). It is an objective of Beadle's invention to provide continuous communication during a network session. It would have been obvious to one of ordinary skill in the art to incorporate the teaching of Wakatsuki into Beadle's invention because it would contribute to accomplishing Beadle's main objective. One of ordinary skill in the art would be motivated to incorporate a predetermined time before switching connection because it would allow Beadle to efficiently use network resources, thus not switching a connection prematurely which would deplete or waste network resources.

10. In regards to claim 3 Beadle teaches of a receiving server receives information sent from or to a terminal for making determination (Col 8, lines 50-65).

11. In regards to claim 2 and 6 Beadle teaches of the receiving server is actuated by a telephone number from a sending terminal through one of a telephone wire, ISDN network, ADSL network and wireless communicational networks and then identifies the sending terminal (Fig 3, item 307).

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12. In regard to claim 4 Beadle does not explicitly teach of the terminal for sending information automatically switches between different networks in a predetermined time.

Wakatsuki teaches on this aspect (Col 8, lines 15-17). Refer to claim 4 for motivation.

13. In regards to claim 5 Beadle teaches of the receiving server determines whether a transaction is performed based on information of the same receiving terminal of the plurality of different communicational networks (Col 8, lines 50-65).

### ***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cheryl M. Reid whose telephone number is 571 272 3903. The examiner can normally be reached on Mon- Fri (7-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
BEATRIZ PRIETO  
PRIMARY EXAMINER